

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-753

June 23, 1999

TOWN OF SWAN'S ISLAND
Request for Commission Action to Help
In Providing Affordable Internet Access to
Swan's Island Residents by the Island
Telephone Company

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we dismiss the complaint against Island Telephone Company (Island) filed by Mr. Lee and 10 other residents of Swan's Island (Complainants), as without merit.

II. BACKGROUND

On September 25, 1998, Mr. Dexter Lee, Selectman, and 10 other residents of Swan's Island filed a complaint with the Commission pursuant to 35-A M.R.S.A. § 1302.¹ They complain that Island Telephone is unwilling to provide residents of Swan's Island with affordable internet access or toll free calling to an internet service provider. The Complainants ask that Island be required to provide them with affordable internet access.

Island filed a response to the complaint on October 5, 1998. Island argues the complaint should be dismissed as without merit because Swan's Island's calling patterns do not meet the levels in the Commission's Basic Service Calling Area Rule, Chapter 204, that would require expanding the local calling area of the Swan's Island exchange. Island further argues its service is adequate because it has no statutory obligation to provide affordable internet access.

III. DECISION

Island Telephone is not required by Maine statute or regulations to provide island residents with affordable internet service. Internet service is not regulated by the Public Utilities Commission. We understand, however, that Island Internet Service has recently begun to provide internet service to the residents of Swan's Island, Matinicus, Isle Au Haut and Frenchboro, as an unregulated offering of TDS Telecom, parent company of Island Telephone. It currently offers 30 hours of internet service per month

¹ 35-A M.R.S.A. § 1302 allows 10 persons aggrieved that a rate or practice of a public utility is unreasonable, insufficient or unjustly discriminatory, or that a service cannot be obtained, to file a complaint with the Commission.

for \$29.95 and \$1.00 for each additional hour; or 10 hours for \$9.95 and \$1.50 for each additional hour. Because we have no authority to require Island to provide affordable internet service, we dismiss the complaint as without merit.

Dated at Augusta, Maine, this 23rd day of June, 1999.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.